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H. R. 2809

[Report No. 115–649]

To amend title 51, United States Code, to provide for the authorization and supervision of nongovernmental space activities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 2017

Mr. SMITH of Texas (for himself, Mr. BABIN, Mr. BRIDENSTINE, Mr. PERLMUTTER, Mr. ROHRABACHER, Mr. HULTGREN, Mr. WEBER of Texas, Mr. HIGGINS of Louisiana, and Mr. KILMER) introduced the following bill; which was referred to the Committee on Science, Space, and Technology

APRIL 24, 2018

Additional sponsors: Mr. LAMBORN, Mr. DUNN, Mr. CALVERT, Mr. COFFMAN, Mr. SOTO, Mr. MCCARTHY, and Mr. BERA

APRIL 24, 2018

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on June 7, 2017]

A BILL

To amend title 51, United States Code, to provide for the authorization and supervision of nongovernmental space activities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the*
 5 *“American Space Commerce Free Enterprise Act of 2017”.*

6 (b) *TABLE OF CONTENTS.*—*The table of contents is as*
 7 *follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Findings; policy; purposes.

Sec. 3. Certification to operate space objects.

Sec. 4. Permitting of space-based remote sensing systems.

Sec. 5. Administrative provisions related to certification and permitting.

Sec. 6. Technical and conforming amendments.

Sec. 7. Office of Space Commerce.

Sec. 8. Restriction on preventing launches and reentries of certified space objects.

Sec. 9. Report on registration of space objects.

Sec. 10. Comptroller General report.

8 **SEC. 2. FINDINGS; POLICY; PURPOSES.**

9 (a) *FINDINGS.*—*Congress finds the following:*

10 (1) *The United States, through existing author-*
 11 *ization and supervision mechanisms, satisfies and is*
 12 *in conformity with its obligation under the Outer*
 13 *Space Treaty to authorize and supervise nongovern-*
 14 *mental space activities to assure such activities are*
 15 *carried out in conformity with the international obli-*
 16 *gations of the United States under the Outer Space*
 17 *Treaty.*

18 (2) *The United States has a robust and innova-*
 19 *tive private sector that is investing in, developing,*

1 *and placing into outer space, spacecraft and pay-*
2 *loads.*

3 *(3) Authorization and supervision mechanisms*
4 *as of the date of enactment of this Act could be im-*
5 *proved to relieve administrative burdens on new and*
6 *innovative nongovernmental space actors.*

7 *(4) It serves the national interest to address*
8 *misperceptions of legal uncertainty through the estab-*
9 *lishment of a general authorization and supervision*
10 *certification authority for nongovernmental outer*
11 *space activities.*

12 *(5) The private exploration and use of outer*
13 *space by nongovernmental entities will further the na-*
14 *tional security, foreign policy, and economic interests*
15 *of the United States.*

16 *(b) POLICY.—It is the policy of the United States*
17 *that—*

18 *(1) United States citizens and entities are free to*
19 *explore and use space, including the utilization of*
20 *outer space and resources contained therein, without*
21 *conditions or limitations;*

22 *(2) this freedom is only to be limited when nec-*
23 *essary to assure United States national security in-*
24 *terests are met and to authorize and supervise non-*
25 *governmental space activities to assure such activities*

1 are carried out in conformity with the international
2 obligations of the United States under the Outer
3 Space Treaty;

4 (3) to the maximum extent practicable, the Fed-
5 eral Government shall interpret and fulfill its inter-
6 national obligations to minimize regulations and lim-
7 itations on the freedom of United States nongovern-
8 mental entities to explore and use space;

9 (4) to the maximum extent practicable, the Fed-
10 eral Government shall take steps to protect the phys-
11 ical safety of space objects operated by the United
12 States that do not involve limitations on the freedoms
13 of nongovernmental entities of the United States; and

14 (5) nongovernmental activities in outer space
15 shall only be authorized and supervised in a trans-
16 parent, timely, and predictable manner, with mini-
17 mal costs and burdens placed on the entities author-
18 ized and supervised.

19 (c) *PURPOSES.*—The purposes of this Act and the
20 amendments made by this Act are—

21 (1) to enhance the existing outer space authoriza-
22 tion and supervision framework to provide greater
23 transparency, greater efficiency, and less administra-
24 tive burden for nongovernmental entities of the
25 United States seeking to conduct space activities; and

1 (2) *to ensure that the United States remains the*
2 *world leader in commercial space activities.*

3 (d) *DEFINITIONS.—In this Act—*

4 (1) *the term “Agreement on the Rescue of Astro-*
5 *nauts and the Return of Space Objects” means the*
6 *Agreement on the Rescue of Astronauts, the Return of*
7 *Astronauts and the Return of Objects Launched into*
8 *Outer Space (signed at Washington, Moscow, and*
9 *London on April 22, 1968, ratified by the United*
10 *States on December 3, 1968; 19 UST 7570);*

11 (2) *the term “Convention on Registration of*
12 *Space Objects” means the Convention on Registration*
13 *of Objects Launched into Outer Space (signed at New*
14 *York on January 14, 1975, ratified by the United*
15 *States on September 15, 1976; 28 UST 695);*

16 (3) *the term “covered treaties on outer space”*
17 *means—*

18 (A) *the Outer Space Treaty;*

19 (B) *the Agreement on the Rescue of Astro-*
20 *nauts and the Return of Space Objects;*

21 (C) *the Convention on Registration of Space*
22 *Objects; and*

23 (D) *the Liability Convention;*

24 (4) *the term “Liability Convention” means the*
25 *Convention on the International Liability for Dam-*

1 *age Caused by Space Objects (signed at Washington,*
 2 *Moscow, and London on March 29, 1972, ratified by*
 3 *the United States on October 9, 1973; 24 UST 2389);*
 4 *and*

5 *(5) the term “Outer Space Treaty” means the*
 6 *Treaty on Principles Governing the Activities of*
 7 *States in the Exploration and Use of Outer Space,*
 8 *including the Moon and Other Celestial Bodies*
 9 *(signed at Washington, Moscow, and London on Jan-*
 10 *uary 27, 1967, ratified by the United States on Octo-*
 11 *ber 10, 1967; 18 UST 2410).*

12 **SEC. 3. CERTIFICATION TO OPERATE SPACE OBJECTS.**

13 *Title 51, United States Code, is amended by adding*
 14 *at the end the following:*

15 **“Subtitle VIII—Authorization and**
 16 **Supervision of Nongovernmental**
 17 **Space Activities**

18 **“CHAPTER 801—CERTIFICATION TO**
 19 **OPERATE SPACE OBJECTS**

“Sec.

“80101. *Definitions.*

“80102. *Certification authority.*

“80103. *Certification application and requirements.*

“80104. *Mitigation of space debris.*

“80105. *Continuing certification requirements.*

“80106. *Certification transfer.*

“80107. *Certification expiration and termination.*

“80108. *Existing license or pending application for launch or reentry.*

“80109. *Private Space Activity Advisory Committee.*

“80110. *Exemptions.*

“80111. *Protecting the interests of United States entity space objects.*

1 **“§ 80101. Definitions**

2 *“In this subtitle:*

3 *“(1) AGENCY.—The term ‘agency’ has the mean-*
 4 *ing given the term Executive agency in section 105 of*
 5 *title 5.*

6 *“(2) AGREEMENT ON THE RESCUE OF ASTRO-*
 7 *NAUTS AND THE RETURN OF SPACE OBJECTS.—The*
 8 *term ‘Agreement on the Rescue of Astronauts and the*
 9 *Return of Space Objects’ means the Agreement on the*
 10 *Rescue of Astronauts, the Return of Astronauts and*
 11 *the Return of Objects Launched into Outer Space*
 12 *(signed at Washington, Moscow, and London on April*
 13 *22, 1968, ratified by the United States on December*
 14 *3, 1968; 19 UST 7570).*

15 *“(3) CONVENTION ON REGISTRATION OF SPACE*
 16 *OBJECTS.—The term ‘Convention on Registration of*
 17 *Space Objects’ means the Convention on Registration*
 18 *of Objects Launched into Outer Space (signed at New*
 19 *York on January 14, 1975, ratified by the United*
 20 *States on September 15, 1976; 28 UST 695).*

21 *“(4) COVERED TREATIES ON OUTER SPACE.—*
 22 *The term ‘covered treaties on outer space’ means—*

23 *“(A) the Outer Space Treaty;*

24 *“(B) the Agreement on the Rescue of Astro-*
 25 *nauts and the Return of Space Objects;*

1 “(C) *the Convention on Registration of*
2 *Space Objects; and*

3 “(D) *the Liability Convention.*

4 “(5) *LIABILITY CONVENTION.—The term ‘Liabil-*
5 *ity Convention’ means the Convention on the Inter-*
6 *national Liability for Damage Caused by Space Ob-*
7 *jects (signed at Washington, Moscow, and London on*
8 *March 29, 1972, ratified by the United States on Oc-*
9 *tober 9, 1973; 24 UST 2389).*

10 “(6) *NATIONAL OF THE UNITED STATES.—The*
11 *term ‘national of the United States’ has the meaning*
12 *given such term in section 101(a) of the Immigration*
13 *and Nationality Act (8 U.S.C. 1101(a)).*

14 “(7) *OUTER SPACE TREATY.—The term ‘Outer*
15 *Space Treaty’ means the Treaty on Principles Gov-*
16 *erning the Activities of States in the Exploration and*
17 *Use of Outer Space, including the Moon and Other*
18 *Celestial Bodies (signed at Washington, Moscow, and*
19 *London on January 27, 1967, ratified by the United*
20 *States on October 10, 1967; 18 UST 2410).*

21 “(8) *SECRETARY.—The term ‘Secretary’ means,*
22 *except as otherwise provided in this subtitle, the Sec-*
23 *retary of Commerce, acting through the Office of*
24 *Space Commerce.*

1 “(9) *SPACE-BASED REMOTE SENSING SYSTEM*.—

2 *The term ‘space-based remote sensing system’ means*
3 *a space object in Earth orbit that is—*

4 “(A) *designed to image the Earth; or*

5 “(B) *capable of imaging a space object in*
6 *Earth orbit operated by the Federal Government.*

7 “(10) *SPACE DEBRIS MITIGATION*.—*The term*
8 *‘space debris mitigation’ means efforts to—*

9 “(A) *prevent on-orbit break-ups;*

10 “(B) *remove spacecraft that have reached*
11 *the end of their mission operation from useful*
12 *densely populated orbit regions; and*

13 “(C) *limit the amount of debris released*
14 *during normal operations of a space object.*

15 “(11) *SPACE OBJECT*.—

16 “(A) *IN GENERAL*.—*The term ‘space object’*
17 *means—*

18 “(i) *a human-made object located in*
19 *outer space, including on the Moon and*
20 *other celestial bodies, with or without*
21 *human occupants, that was launched from*
22 *Earth, such as a satellite or a spacecraft,*
23 *including component parts of the object;*
24 *and*

1 “(ii) *all items carried on such object*
2 *that are intended for use in outer space out-*
3 *side of, and independent of, the operation of*
4 *such object.*

5 “(B) *INCLUSION.—Such term includes any*
6 *human-made object that is—*

7 “(i) *manufactured or assembled in*
8 *outer space; and*

9 “(ii) *intended for operations in outer*
10 *space outside of, and independent of, the op-*
11 *erations of such object in which the manu-*
12 *facturing or assembly occurred.*

13 “(C) *EXCLUSIONS.—Such term does not in-*
14 *clude—*

15 “(i) *an article on board a space object*
16 *that is only intended for use inside the*
17 *space object;*

18 “(ii) *an article manufactured or proc-*
19 *essed in outer space that is a material; or*

20 “(iii) *an article intended for use out-*
21 *side of a space object as part of the certified*
22 *operations of the space object.*

23 “(12) *STATE.—The term ‘State’ means each of*
24 *the several States of the United States, the District of*
25 *Columbia, the Commonwealth of Puerto Rico, the*

1 *United States Virgin Islands, Guam, American*
 2 *Samoa, the Commonwealth of the Northern Mariana*
 3 *Islands, and any other commonwealth, territory, or*
 4 *possession of the United States.*

5 “(13) *UNITED STATES.*—*The term ‘United*
 6 *States’ means the States, collectively.*

7 “(14) *UNITED STATES ENTITY.*—*The term*
 8 *‘United States entity’ means—*

9 “(A) *an individual who is a national of the*
 10 *United States; or*

11 “(B) *a nongovernmental entity organized or*
 12 *existing under, and subject to, the laws of the*
 13 *United States or a State.*

14 **“§ 80102. Certification authority**

15 “(a) *IN GENERAL.*—*Not later than 1 year after the*
 16 *date of enactment of the American Space Commerce Free*
 17 *Enterprise Act of 2017, the Secretary shall begin issuing*
 18 *certifications for the operation of a space object to any*
 19 *United States entity who submits an application for a cer-*
 20 *tification in satisfaction of the requirements of this chapter.*

21 “(b) *CONSULTATION.*—*The Secretary shall, as the Sec-*
 22 *retary considers necessary, consult with the heads of other*
 23 *relevant agencies in carrying out the requirements of this*
 24 *chapter, pursuant to section 80311.*

1 “(c) *CERTIFICATION REQUIRED FOR OPERATION.*—Be-
 2 ginning on the date that is 1 year after the date of enact-
 3 ment of the American Space Commerce Free Enterprise Act
 4 of 2017, a United States entity may not operate a space
 5 object unless the entity holds a certification issued under
 6 this chapter for the operation of such object or the entity
 7 holds a valid payload approval for launch or reentry under
 8 section 50904 as part of a license issued under chapter 509,
 9 and that satisfies the requirements of section 80108(a).

10 “(d) *FOREIGN ENTITIES PROHIBITED.*—The Secretary
 11 may not issue a certification under this chapter to any per-
 12 son who is not a United States entity.

13 “(e) *COVERAGE OF CERTIFICATION.*—The Secretary
 14 shall, to the maximum extent practicable, require only 1
 15 certification under this chapter for a United States entity
 16 to—

17 “(1) conduct multiple operations carried out
 18 using a single space object;

19 “(2) operate multiple space objects that carry out
 20 substantially similar operations; or

21 “(3) use multiple space objects to carry out a
 22 single space operation.

23 **“§ 80103. Certification application and requirements**

24 “(a) *APPLICATION PROCESS.*—

1 “(1) *IN GENERAL.*—To be eligible for a certifi-
2 cation or transfer of a certification to operate a space
3 object under this chapter, a United States entity shall
4 submit an application to the Secretary as provided in
5 paragraph (2). Such application shall include, for
6 each required item or attestation, sufficient evidence
7 to demonstrate each fact or assertion.

8 “(2) *CONTENTS.*—An application described in
9 paragraph (1) shall include only the following infor-
10 mation, with respect to each space object and the op-
11 erations proposed to be certified:

12 “(A) *The name, address, and contact infor-*
13 *mation of one or more nationals of the United*
14 *States designated by the applicant as responsible*
15 *for the operation of the space object.*

16 “(B) *An affirmation, and a document of*
17 *proof, that the applicant is a United States enti-*
18 *ty.*

19 “(C) *If available at the time of submission*
20 *of the application, the planned date and location*
21 *of the launch of the space object, including the*
22 *identity of the launch provider.*

23 “(D) *The general physical form and com-*
24 *position of the space object.*

1 “(E) A description of the proposed oper-
2 ations of the space object that includes—

3 “(i) when and where the space object
4 will operate; and

5 “(ii) when and where the operation of
6 the space object will terminate.

7 “(F) A description of how the space object
8 will be operated and disposed of in a manner to
9 mitigate the generation of space debris.

10 “(G) Information about third-party liabil-
11 ity insurance obtained, if any, by the applicant
12 for operations of the space object, including the
13 amount and coverage of such liability insurance.

14 “(H) Whether the space object will include
15 a space-based remote sensing system.

16 “(3) ATTESTATIONS.—An application described
17 in paragraph (1) shall contain an attestation by the
18 applicant of each the following:

19 “(A) The space object is not a nuclear
20 weapon or a weapon of mass destruction.

21 “(B) The space object will not carry a nu-
22 clear weapon or weapon of mass destruction.

23 “(C) The space object will not be operated
24 or used for testing of any weapon on a celestial
25 body.

1 “(D) *All information in the application*
 2 *and supporting documents is true, complete, and*
 3 *accurate.*

4 “(b) *REVIEW OF APPLICATION.—*

5 “(1) *VERIFICATION OF INFORMATION AND ATTES-*
 6 *TATIONS.—Not later than 90 days after receipt of an*
 7 *application under this section, the Secretary shall*
 8 *verify that—*

9 “(A) *the application is complete, including*
 10 *any required supporting documents;*

11 “(B) *the application does not contain any*
 12 *clear indication of fraud or falsification; and*

13 “(C) *the application contains each attesta-*
 14 *tion required under subsection (a)(3).*

15 “(2) *DETERMINATION.—Not later than 90 days*
 16 *after receipt of an application under this section—*

17 “(A) *if the Secretary verifies that the appli-*
 18 *cant has met the application requirements de-*
 19 *scribed in paragraph (1), the Secretary shall ap-*
 20 *prove the application and issue a certification to*
 21 *the applicant with or without conditions on the*
 22 *proposed operation of the space object pursuant*
 23 *to subsection (c)(1)(A); or*

24 “(B) *if the Secretary cannot verify that the*
 25 *applicant has met the application requirements*

1 *described in paragraph (1) or if the Secretary*
2 *determines it is necessary to deny the applica-*
3 *tion pursuant to subsection (c)(1)(B), the Sec-*
4 *retary—*

5 *“(i) shall issue a denial of the applica-*
6 *tion signed by the Secretary (a duty that*
7 *may not be delegated, including to the Of-*
8 *fice of Space Commerce); and*

9 *“(ii) shall, not later than 10 days after*
10 *the decision to deny the certification—*

11 *“(I) provide the applicant with a*
12 *written notification containing a clear-*
13 *ly articulated rationale for the denial*
14 *that provides, to the maximum extent*
15 *practicable, guidance to the applicant*
16 *as to how such rationale for denial*
17 *could be addressed in a subsequent ap-*
18 *plication; and*

19 *“(II) notify the Committee on*
20 *Commerce, Science, and Transpor-*
21 *tation of the Senate and the Committee*
22 *on Science, Space, and Technology of*
23 *the House of Representatives of such*
24 *rationale.*

1 “(3) *AUTOMATIC APPROVAL.*—If the Secretary
2 has not approved or denied the application before the
3 deadline under paragraph (2), the certification shall
4 be approved without condition. The Secretary may
5 not allow tolling of the 90-day period under such
6 paragraph.

7 “(4) *IMPROPER BASIS FOR DENIAL.*—The Sec-
8 retary may not deny an application for a certifi-
9 cation under this section in order to protect an exist-
10 ing certification holder from competition.

11 “(5) *SUBSEQUENT REVIEW.*—The Secretary may
12 not prejudice a new application for the proposed op-
13 erations denied pursuant to paragraph (2)(B) if such
14 new application contains remedies addressing the ra-
15 tionale for such denial.

16 “(c) *COMPLIANCE WITH THE OUTER SPACE TREA-*
17 *TY.*—

18 “(1) *IN GENERAL.*—If the Secretary determines,
19 with clear and convincing evidence, that the proposed
20 operation of a space object under an application for
21 a certification under this chapter is a violation of an
22 international obligation of the United States per-
23 taining to a nongovernmental entity of the United
24 States under the Outer Space Treaty—

1 “(A) the Secretary may condition the pro-
2 posed operation covered by the certification only
3 to the extent necessary to prevent a violation of
4 such international obligation; or

5 “(B) if the Secretary determines that there
6 is no practicable way to condition such certifi-
7 cation to prevent such a violation, the Secretary
8 may deny the application.

9 “(2) *LIMITATION FOR DETERMINATIONS.*—A de-
10 termination under paragraph (1) shall be limited as
11 follows:

12 “(A) The Federal Government shall inter-
13 pret and fulfill its international obligations
14 under the Outer Space Treaty in a manner that
15 minimizes regulations and limitations on the
16 freedom of United States nongovernmental enti-
17 ties to explore and use space.

18 “(B) The Federal Government shall inter-
19 pret and fulfill its international obligations
20 under the Outer Space Treaty in a manner that
21 promotes free enterprise in outer space.

22 “(C) The Federal Government shall not pre-
23 sume all obligations of the United States under
24 the Outer Space Treaty are obligations to be im-

1 *puted upon United States nongovernmental enti-*
2 *ties.*

3 *“(D) Guidelines promulgated by the Com-*
4 *mittee on Space Research may not be considered*
5 *international obligations of the United States.*

6 *“(3) PRESUMPTIONS.—In making a determina-*
7 *tion under paragraph (1), the Secretary shall pre-*
8 *sume, absent clear and convincing evidence to the*
9 *contrary, that—*

10 *“(A) any attestation made by an applicant*
11 *pursuant to subsection (a)(3) is sufficient to*
12 *meet the international obligations of the United*
13 *States pertaining to nongovernmental entities of*
14 *the United States under the Outer Space Treaty*
15 *addressed by such attestation; and*

16 *“(B) reasonably commercially available ef-*
17 *forts are sufficient to be in conformity with the*
18 *international obligations of the United States*
19 *pertaining to nongovernmental entities of the*
20 *United States under the Outer Space Treaty.*

21 *“(4) PROHIBITION ON RETROACTIVE CONDI-*
22 *TIONS.—No other modifications may be made, or ad-*
23 *ditional conditions placed, on a certification after the*
24 *date on which the certification is issued (except to ac-*
25 *count for a material change as provided in section*

1 80105(c) or the removal of a condition pursuant to
2 subsection (d)).

3 “(5) *NONDELEGABLE.*—The responsibilities of
4 the Secretary under this subsection may not be dele-
5 gated, including to the Office of Space Commerce.

6 “(d) *AUTHORITY TO REMOVE CONDITIONS.*—The Sec-
7 retary, as determined appropriate, may remove a condition
8 placed on a certification pursuant to subsection (c).

9 **“§ 80104. Mitigation of space debris**

10 “(a) *PLAN SUBMISSION.*—To be eligible for a certifi-
11 cation under this chapter, each application shall include
12 a space debris mitigation plan for the space object. Such
13 plan—

14 “(1) shall take into account best practice guide-
15 lines promulgated by the United States and the Inter-
16 agency Debris Coordinating Committee; and

17 “(2) may take into account that a space object
18 may end certified operations and be stored in a safe
19 manner until such time as the space object is perma-
20 nently disposed of or certified for further operations.

21 “(b) *IMPLEMENTATION.*—To the maximum extent
22 practicable, a holder of a certification under this chapter
23 shall notify the Secretary not later than 30 days before be-
24 ginning to implement the disposal phase of a space debris
25 mitigation plan described in subsection (a). Such certifi-

1 cation holder shall, not later than 30 days after completing
 2 implementation of such phase, update the Secretary of the
 3 results of any space debris mitigation efforts.

4 **“§ 80105. Continuing certification requirements**

5 “(a) NOTIFICATION REQUIREMENT.—A certification
 6 holder shall, in a timely manner, notify the Secretary if—

7 “(1) a certified space object has terminated oper-
 8 ations; or

9 “(2) a catastrophic event has occurred to a cer-
 10 tified space object, such as the unplanned destruction
 11 of a space object.

12 “(b) MATERIAL CHANGE.—The Secretary shall require
 13 certification holders to inform the Secretary of—

14 “(1) any material changes to the space object or
 15 the planned operations of the space object prior to
 16 launch; and

17 “(2) any material anomalies or departures from
 18 the planned operations during the course of oper-
 19 ations.

20 “(c) UPDATE TO CERTIFICATION.—Not later than 14
 21 days after the date of receipt of information regarding a
 22 material change pursuant to subsection (b), the Secretary
 23 shall make a determination of whether such material change
 24 is substantial enough to warrant additional review under
 25 section 80103(b). Not later than 90 days after a determina-

1 *tion that such review is warranted, the Secretary shall com-*
 2 *plete a similar such review process for such material change*
 3 *as is required for a certification applicant under such sec-*
 4 *tion.*

5 **“§ 80106. Certification transfer**

6 “(a) *IN GENERAL.*—Subject to subsections (b) and (c),
 7 *the Secretary shall provide for the transfer of a certification*
 8 *under this chapter from the certification holder to another*
 9 *United States entity to continue the operations allowed*
 10 *under such certification.*

11 “(b) *TRANSFER REQUEST REQUIREMENTS.*—To be eli-
 12 *gible for a transfer under subsection (a), the certification*
 13 *holder shall submit to the Secretary a request that in-*
 14 *cludes—*

15 “(1) *any identifying information regarding the*
 16 *proposed transferee, including accompanying sup-*
 17 *porting documents, that would be required under an*
 18 *initial application under section 80103; and*

19 “(2) *each attestation required under section*
 20 *80103(a)(3), including accompanying supporting doc-*
 21 *uments, completed by the proposed transferee.*

22 “(c) *DETERMINATION.*—Not later than 90 days after
 23 *a certification holder submits a request under subsection*
 24 *(b), the Secretary shall complete a similar review process*

1 *for the request for transfer as required for a certification*
 2 *applicant under section 80103(b).*

3 **“§ 80107. Certification expiration and termination**

4 “(a) *CERTIFICATION EXPIRATION.*—A certification
 5 *issued under this chapter shall expire on the earlier of—*

6 “(1) *the date on which all operations approved*
 7 *under such certification cease, including carrying out*
 8 *a space debris mitigation plan of any space object ap-*
 9 *proved under such certification;*

10 “(2) *the date on which all space objects approved*
 11 *under the certification no longer exist; or*

12 “(3) *the date that is 5 years after the date on*
 13 *which the certification was approved, if no operations*
 14 *approved under the certification have commenced by*
 15 *such date.*

16 “(b) *CERTIFICATION TERMINATION.*—

17 “(1) *IN GENERAL.*—The Secretary shall termi-
 18 *nate a certification under this chapter if an applicant*
 19 *or certification holder is convicted of a violation of*
 20 *section 1001 of title 18 related to the certification*
 21 *process under this chapter.*

22 “(2) *ELIGIBILITY.*—A certification holder whose
 23 *certification is terminated under this subsection shall*
 24 *be ineligible to apply for or receive a certification*
 25 *under this chapter.*

1 “(3) *SPACE DEBRIS MITIGATION PLAN*.—Upon
 2 *termination of a certification under paragraph (1),*
 3 *the Secretary may require the certification holder to*
 4 *carry out the space debris mitigation plan submitted*
 5 *by the certification holder under section 80104.*

6 **“§ 80108. Existing license or pending application for**
 7 ***launch or reentry***

8 “(a) *CONTINUATION OF EXISTING LICENSE*.—Any
 9 *United States entity for whom a payload has been approved*
 10 *(and not subject to an exemption under section 80110) on*
 11 *or before the effective date of this section for launch or re-*
 12 *entry under section 50904 as part of a license issued under*
 13 *chapter 509 may—*

14 “(1) *elect to be immediately considered certified*
 15 *for operation under this chapter on such effective*
 16 *date, in which case all terms and conditions applica-*
 17 *ble to the payload as approved for launch or reentry*
 18 *as part of a license issued under chapter 509 shall*
 19 *apply for the duration of the operation of the pay-*
 20 *load; or*

21 “(2) *apply for a certification under this chapter*
 22 *for the operation of the licensed activities and may*
 23 *continue to operate pursuant to such license until*
 24 *such time as such certification is issued.*

1 “(b) *RESCINDING OR TRANSFER OF PENDING LI-*
 2 *CENSE.*—*A payload of a United States entity that, on the*
 3 *effective date of this section, is pending approval under sec-*
 4 *tion 50904 as part of a launch or reentry license issued*
 5 *under chapter 509 may be, at the election of the applicant*
 6 *for payload approval—*

7 “(1) *rescinded without prejudice; or*

8 “(2) *transferred to the Office of Space Commerce*
 9 *and deemed to be a pending application for certifi-*
 10 *cation under this chapter.*

11 “(c) *EFFECTIVE DATE.*—*This section shall take effect*
 12 *on the date that is 1 year after the date of enactment of*
 13 *the American Space Commerce Free Enterprise Act of 2017.*

14 **“§ 80109. Private Space Activity Advisory Committee**

15 “(a) *ESTABLISHMENT.*—*The Secretary shall establish*
 16 *a Private Space Activity Advisory Committee (in this sec-*
 17 *tion referred to as the ‘Committee’) consisting of 15 mem-*
 18 *bers who shall be appointed by the Secretary.*

19 “(b) *CHAIR.*—*The Committee shall designate one mem-*
 20 *ber as the chair of the Committee.*

21 “(c) *MEMBERSHIP.*—

22 “(1) *LIMITATION.*—*Members of the Committee*
 23 *may not be Federal Government employees or offi-*
 24 *cials.*

1 “(2) *TRAVEL EXPENSES.*—Members of the Com-
2 mittee shall receive travel expenses, including per
3 diem in lieu of subsistence, in accordance with the
4 applicable provisions under subchapter I of chapter
5 57 of title 5.

6 “(3) *QUALIFICATIONS.*—Members of the Com-
7 mittee shall include a variety of space policy, engi-
8 neering, technical, science, legal, and finance profes-
9 sionals. Not less than 3 members shall have signifi-
10 cant experience working in the commercial space in-
11 dustry.

12 “(d) *TERMS.*—Each member of the Committee shall
13 serve for a term of 4 years and may not serve as a member
14 for the 2-year period following the date of completion of
15 each such term.

16 “(e) *DUTIES.*—The duties of the Committee shall be
17 to—

18 “(1) *analyze the status and recent developments*
19 *of nongovernmental space activities;*

20 “(2) *analyze the effectiveness and efficiency of*
21 *the implementation of the certification process under*
22 *this chapter;*

23 “(3) *provide recommendations to the Secretary*
24 *and Congress on how the United States can facilitate*
25 *and promote a robust and innovative private sector*

1 *that is investing in, developing, and operating space*
2 *objects;*

3 *“(4) identify any challenges the United States*
4 *private sector is experiencing—*

5 *“(A) with the authorization and supervision*
6 *of the operation of space objects under this chap-*
7 *ter;*

8 *“(B) more generally, with international ob-*
9 *ligations of the United States relevant to private*
10 *sector activities in outer space;*

11 *“(C) with harmful interference to private*
12 *sector activities in outer space; and*

13 *“(D) with access to adequate, predictable,*
14 *and reliable radio frequency spectrum;*

15 *“(5) review existing best practices for United*
16 *States entities to avoid the harmful contamination of*
17 *the Moon and other celestial bodies;*

18 *“(6) review existing best practices for United*
19 *States entities to avoid adverse changes in the envi-*
20 *ronment of the Earth resulting from the introduction*
21 *of extraterrestrial matter;*

22 *“(7) provide information, advice, and rec-*
23 *ommendations on matters relating to United States*
24 *private sector activities in outer space; and*

1 “(8) provide information, advice, and rec-
 2 ommendations on matters related to the authority of
 3 the Secretary under this chapter or to private sector
 4 space activities authorized pursuant to this chapter
 5 that the Committee determines necessary.

6 “(f) *ANNUAL REPORT*.—The Committee shall submit
 7 to Congress, the President, and the Secretary an annual
 8 report that includes the information, analysis, findings,
 9 and recommendations described in subsection (e).

10 “(g) *SUNSET*.—The Committee shall terminate on the
 11 date that is 10 years after the date on which the Committee
 12 is established.

13 **“§ 80110. Exemptions**

14 “(a) *IN GENERAL*.—A certification is not required
 15 under this chapter for any of the following operations:

16 “(1) Space object activities authorized by an-
 17 other country that is a party to the Outer Space
 18 Treaty.

19 “(2) Launch or reentry vehicle operations li-
 20 censed by the Department of Transportation under
 21 chapter 509.

22 “(3) Space stations licensed by the Federal Com-
 23 munications Commission under the Communications
 24 Act of 1934 (47 U.S.C. 151 et seq.).

1 “(b) *RULE OF CONSTRUCTION.*—*Nothing in this sec-*
 2 *tion shall be construed to exempt any entity from the re-*
 3 *quirement to obtain a permit to operate a space-based re-*
 4 *mote sensing system under chapter 802.*

5 **“§ 80111. Protecting the interests of United States en-**
 6 ***tity space objects***

7 *“The President shall—*

8 *“(1) protect the interests of United States entity*
 9 *exploration and use of outer space, including commer-*
 10 *cial activity and the exploitation of space resources,*
 11 *from acts of foreign aggression and foreign harmful*
 12 *interference;*

13 *“(2) protect ownership rights of United States*
 14 *entity space objects and obtained space resources; and*

15 *“(3) ensure that United States entities operating*
 16 *in outer space are given due regard.”.*

17 **SEC. 4. PERMITTING OF SPACE-BASED REMOTE SENSING**
 18 **SYSTEMS.**

19 *(a) FINDINGS.*—*Congress finds the following:*

20 *(1) The commercial market for space-based re-*
 21 *mote sensing technologies and information has experi-*
 22 *enced significant growth since the passage of the Land*
 23 *Remote Sensing Policy Act of 1992.*

24 *(2) It is in the interest of the United States to*
 25 *foster new and novel space-based remote sensing ap-*

1 *plications and services and to help facilitate their*
2 *continued domestic growth.*

3 (3) *Since the passage of the Land Remote Sens-*
4 *ing Policy Act of 1992, the National Oceanic and At-*
5 *mospheric Administration’s Office of Commercial Re-*
6 *mote Sensing has experienced a significant increase*
7 *in applications for private remote sensing space sys-*
8 *tem licenses as authorized under section 60121 of title*
9 *51, United States Code.*

10 (4) *Many of the applicants for commercial*
11 *space-based remote sensing licenses have encountered*
12 *significant delays and unnecessary obstacles in the*
13 *application process.*

14 (5) *The current licensing paradigm must be up-*
15 *dated as to not discourage the continued growth of the*
16 *United States space-based remote sensing industry. It*
17 *must be updated in a way that satisfies the needs of*
18 *commercial remote sensing market as well as the na-*
19 *tional security of the United States.*

20 (6) *In order to protect United States leadership*
21 *and commercial viability in remote sensing tech-*
22 *nologies, the Federal Government should not limit*
23 *commercial entities from providing remote sensing ca-*
24 *pabilities or data products that are available or rea-*

1 sonably expected to be made available in the next 3
2 years in the international or domestic marketplace.

3 (b) *POLICY.*—It is the policy of the United States that,
4 to the maximum extent practicable, the Federal Government
5 shall take steps to protect the national security interests of
6 the United States that do not involve regulating or limiting
7 the freedoms of United States nongovernmental entities to
8 explore and use space. Federal Government agencies shall
9 mitigate any threat to national security posed by the explo-
10 ration and use of outer space by United States citizens and
11 entities, to the maximum extent practicable, changing Fed-
12 eral Government activities and operations.

13 (c) *AMENDMENT.*—Title 51, United States Code, is fur-
14 ther amended by adding at the end the following:

15 **“CHAPTER 802—PERMITTING OF SPACE-**
16 **BASED REMOTE SENSING SYSTEMS**

“Sec.

“80201. *Permitting authority.*

“80202. *Application for permit.*

“80203. *Continuing permitting requirements.*

“80204. *Permit transfer.*

“80205. *Agency activities.*

“80206. *Annual reports.*

“80207. *Advisory Committee on Commercial Remote Sensing.*

“80208. *Continuation of existing license or pending application.*

“80209. *Commercial Remote Sensing Regulatory Affairs Office.*

17 **“§ 80201. *Permitting authority***

18 “(a) *IN GENERAL.*—Not later than 1 year after the
19 date of enactment of the American Space Commerce Free

1 *Enterprise Act of 2017, the Secretary is authorized to per-*
 2 *mit persons to operate space-based remote sensing systems.*

3 “(b) *CONSULTATION.—The Secretary shall, as the Sec-*
 4 *retary considers necessary, consult with the heads of other*
 5 *relevant agencies in carrying out the requirements of this*
 6 *chapter, pursuant to section 80311.*

7 “(c) *LIMITATION WITH RESPECT TO SYSTEM USED*
 8 *FOR OTHER PURPOSES.—In the case of a space object that*
 9 *is used for remote sensing and other purposes, the authority*
 10 *of the Secretary under this chapter shall be limited to the*
 11 *remote sensing operations of such space object.*

12 “(d) *DE MINIMIS EXCEPTION.—*

13 “(1) *WAIVER.—The Secretary may waive the re-*
 14 *quirement for a permit for a space-based remote sens-*
 15 *ing system that the Secretary determines is—*

16 “(A) *ancillary to the primary design pur-*
 17 *pose of the space object; or*

18 “(B) *too trivial to require a determination*
 19 *under section 80202(c) relating to national secu-*
 20 *rity.*

21 “(2) *GUIDANCE.—Not later than 1 year after the*
 22 *date of enactment of this subsection, the Secretary*
 23 *shall issue guidance providing a clear explanation of*
 24 *the criteria used by the Secretary to grant a de mini-*
 25 *mis waiver under paragraph (1)(B) for a space-based*

1 *remote sensing system that is too trivial to require a*
2 *determination under section 80202(c).*

3 “(e) *COVERAGE OF PERMIT.*—*The Secretary shall, to*
4 *the maximum extent practicable, ensure that only one per-*
5 *mit is required under this chapter to—*

6 “(1) *conduct multiple operations carried out*
7 *using a space-based remote sensing system;*

8 “(2) *operate multiple space-based remote sensing*
9 *systems that carry out substantially similar oper-*
10 *ations; or*

11 “(3) *use multiple space-based remote sensing sys-*
12 *tems to carry out a single remote sensing operation.*

13 “(f) *PROHIBITION ON OPERATION.*—*Not later than 1*
14 *year after the date of enactment of the American Space*
15 *Commerce Free Enterprise Act of 2017, no person may, di-*
16 *rectly or through any subsidiary or affiliate, operate any*
17 *space-based remote sensing system without a permit issued*
18 *under this chapter.*

19 “(g) *RESPONSIBLE PARTY.*—*In any case in which the*
20 *applicant for a permit under this chapter is not a United*
21 *States entity, the applicant shall identify a United States*
22 *entity that consents to be responsible for the permitted oper-*
23 *ation of the space-based remote sensing system.*

1 “(h) *OPERATION OF SPACE-BASED REMOTE SENSING*
 2 *SYSTEM.*—*For purposes of this chapter, the operation of a*
 3 *space-based remote sensing system—*

4 “(1) *begins when the system—*

5 “(A) *is located in outer space; and*

6 “(B) *can meet the minimum threshold and*
 7 *objective capabilities for the system’s stated need;*
 8 *and*

9 “(2) *shall not cover the acts of distribution, sale,*
 10 *or transfer of data, information, or services to per-*
 11 *sons, foreign or domestic, including any such acts*
 12 *taken pursuant to an agreement with such persons.*

13 **“§ 80202. *Application for permit***

14 “(a) *APPLICATION PROCESS.*—

15 “(1) *IN GENERAL.*—*To receive a permit to oper-*
 16 *ate a space-based remote sensing system under this*
 17 *chapter, a person shall submit an application to the*
 18 *Secretary as provided in paragraph (2). Such appli-*
 19 *cation shall include, for each required item, sufficient*
 20 *evidence to demonstrate each fact or assertion.*

21 “(2) *CONTENTS.*—*An application described in*
 22 *paragraph (1) shall include only the following infor-*
 23 *mation, with respect to each space-based remote sens-*
 24 *ing system and the operations proposed to be per-*
 25 *mitted:*

1 “(A) *The name, address, and contact infor-*
2 *mation of one or more United States entity iden-*
3 *tified by the applicant, pursuant to section*
4 *80201(g), as responsible for the operation of the*
5 *space-based remote sensing system.*

6 “(B) *If available at the time of submission*
7 *of the application, the planned date and location*
8 *of the launch of the applicable space object, in-*
9 *cluding the identity of the launch provider.*

10 “(C) *The general physical form and com-*
11 *position of the space-based remote sensing sys-*
12 *tem.*

13 “(D) *A description of the proposed oper-*
14 *ations of the space-based remote sensing system*
15 *that includes—*

16 “(i) *when and where the space-based*
17 *remote sensing system will operate;*

18 “(ii) *when and where the operation of*
19 *the space-based remote sensing system will*
20 *terminate; and*

21 “(iii) *any additional information nec-*
22 *essary to make a determination under sub-*
23 *section (c) regarding a significant threat to*
24 *national security, as prescribed in advance*
25 *in regulation by the Secretary.*

1 “(E) *A description of how the space-based*
2 *remote sensing system will be operated and dis-*
3 *posed of in a manner to mitigate the generation*
4 *of space debris.*

5 “(F) *Information about third-party liabil-*
6 *ity insurance obtained, if any, by the applicant*
7 *for operations of the space-based remote sensing*
8 *system, including the amount and coverage of*
9 *such liability insurance.*

10 “(b) *REVIEW OF APPLICATION.—*

11 “(1) *VERIFICATIONS.—Not later than 90 days*
12 *after receipt of an application under this section, the*
13 *Secretary shall verify that—*

14 “(A) *the application is complete pursuant*
15 *to subsection (a); and*

16 “(B) *the application does not contain any*
17 *clear indication of fraud or falsification.*

18 “(2) *DETERMINATION.—Not later than 90 days*
19 *after receipt of an application under this section—*

20 “(A) *if the Secretary verifies that the appli-*
21 *cant has met the application requirements de-*
22 *scribed in paragraph (1), the Secretary shall ap-*
23 *prove the application and issue a permit to the*
24 *applicant with or without conditions on the pro-*

1 *posed operation of the space-based remote sensing*
2 *system pursuant to subsection (c)(1)(A); or*

3 *“(B) if the Secretary cannot verify that the*
4 *applicant has met the application requirements*
5 *described in paragraph (1) or if the Secretary*
6 *makes a determination to deny the application*
7 *under subsection (c)(1)(B), the Secretary—*

8 *“(i) shall issue a denial of the applica-*
9 *tion signed by the Secretary (a duty that*
10 *may not be delegated, including to the Of-*
11 *fice of Space Commerce); and*

12 *“(ii) shall, not later than 10 days after*
13 *the decision to deny the application—*

14 *“(I) provide the applicant with a*
15 *written notification containing a clear-*
16 *ly articulated rationale for the denial*
17 *that, to the maximum extent prac-*
18 *ticable—*

19 *“(aa) provides guidance to*
20 *the applicant as to how the ar-*
21 *ticulated rationale for denial*
22 *could be addressed in a subsequent*
23 *application; and*

24 *“(bb) includes all classified*
25 *information included in such ra-*

1 *tionale for which the applicant*
2 *has the required security clear-*
3 *ance; and*

4 *“(II) submit a notification of the*
5 *denial to the Committee on Commerce,*
6 *Science, and Transportation of the*
7 *Senate and the Committee on Science,*
8 *Space, and Technology of the House of*
9 *Representatives that—*

10 *“(aa) contains the clearly ar-*
11 *ticulated rationale for the denial;*
12 *and*

13 *“(bb) in the case of a denial*
14 *pursuant to a national security*
15 *determination under subsection*
16 *(c)—*

17 *“(AA) includes an ex-*
18 *planation of how, and clear*
19 *and convincing evidence that,*
20 *to the maximum extent prac-*
21 *ticable, the Federal Govern-*
22 *ment took steps to mitigate a*
23 *significant threat to the na-*
24 *tional security of the United*
25 *States posed by the operation*

1 *of the applicant’s space-based*
2 *remote sensing system by*
3 *changing Federal Govern-*
4 *ment activities and oper-*
5 *ations; and*

6 *“(BB) may contain*
7 *classified information.*

8 *“(3) AUTOMATIC APPROVAL.—If the Secretary*
9 *has not approved or denied the application before the*
10 *deadline under paragraph (2), the application shall*
11 *be approved without condition. The Secretary may*
12 *not allow tolling of the 90-day period under such*
13 *paragraph.*

14 *“(4) IMPROPER BASIS FOR DENIAL.—The Sec-*
15 *retary may not deny an application for a permit*
16 *under this section in order to protect an existing per-*
17 *mit holder from competition.*

18 *“(5) SUBSEQUENT REVIEW.—The Secretary may*
19 *not prejudice a new application for the proposed op-*
20 *erations denied pursuant to paragraph (2)(B) if such*
21 *new application contains remedies addressing the ra-*
22 *tionale for such denial.*

23 *“(c) ADDRESSING NATIONAL SECURITY THREAT.—*

24 *“(1) IN GENERAL.—If the Secretary determines,*
25 *with clear and convincing evidence, that the proposed*

1 *operation of a space-based remote sensing system*
2 *under an application for a permit under this chapter*
3 *poses a significant threat to the national security of*
4 *the United States as provided in paragraph (2)—*

5 *“(A) the Secretary may condition the pro-*
6 *posed operation covered by the permit only to the*
7 *extent necessary to address such threat; or*

8 *“(B) if the Secretary determines that there*
9 *is no practicable way to condition such permit*
10 *to address such threat, the Secretary may deny*
11 *the application.*

12 *“(2) SIGNIFICANT THREAT TO NATIONAL SECU-*
13 *RITY.—For purposes of a determination under para-*
14 *graph (1), a significant threat to the national secu-*
15 *urity of the United States is a threat—*

16 *“(A) that is imminent; and*

17 *“(B) that cannot practicably be mitigated*
18 *through changes to Federal Government activi-*
19 *ties or operations.*

20 *“(3) REASONABLY COMMERCIALY AVAILABLE*
21 *EFFORTS.—To the maximum extent practicable, the*
22 *Secretary shall only place a condition on a permit*
23 *that is achievable using reasonably commercially*
24 *available efforts.*

1 “(4) *NOTIFICATION.*—*Not later than 10 days*
2 *after the decision to condition the proposed operation*
3 *covered by a permit pursuant to this subsection, the*
4 *Secretary shall—*

5 “(A) *provide the applicant with a written*
6 *notification containing a clearly articulated ra-*
7 *tionale for the condition that, to the maximum*
8 *extent practicable—*

9 “(i) *provides guidance to the applicant*
10 *as to how the articulated rationale for con-*
11 *dition could be addressed in a subsequent*
12 *application; and*

13 “(ii) *includes all classified information*
14 *included in such rationale for which the ap-*
15 *plicant has the required security clearance;*
16 *and*

17 “(B) *submit a notification of the condition*
18 *to the Committee on Commerce, Science, and*
19 *Transportation of the Senate and the Committee*
20 *on Science, Space, and Technology of the House*
21 *of Representatives that—*

22 “(i) *contains the clearly articulated ra-*
23 *tionale for the condition;*

24 “(ii) *includes an explanation of how,*
25 *and clear and convincing evidence that, to*

1 *the maximum extent practicable, the Fed-*
 2 *eral Government took steps to mitigate a*
 3 *significant threat to the national security of*
 4 *the United States posed by the operation of*
 5 *the applicant’s space-based remote sensing*
 6 *system by changing Federal Government ac-*
 7 *tivities and operations; and*

8 *“(iii) may contain classified informa-*
 9 *tion.*

10 “(5) *PROHIBITION ON RETROACTIVE CONDI-*
 11 *TIONS.—No other modifications may be made, or ad-*
 12 *ditional conditions placed, on a permit after the date*
 13 *on which the permit is issued except to account for*
 14 *a material change as provided in section 80203(c).*

15 “(6) *NONDELEGABLE.—The responsibilities of*
 16 *the Secretary under this subsection may not be dele-*
 17 *gated, including to the Office of Space Commerce.*

18 “(d) *LIMITATIONS ON CONDITIONS.—*

19 “(1) *SAME OR SIMILAR CAPABILITY.—No oper-*
 20 *ational condition under subsection (c) may be placed*
 21 *on a space-based remote sensing system that has the*
 22 *same or substantially similar space-based remote*
 23 *sensing capabilities as another system permitted*
 24 *under this chapter with no such condition.*

1 “(2) *CONDITIONS THAT EXCEED PERMITTED*
2 *CONDITIONS.—The Secretary may not place a condi-*
3 *tion on a permit for a space-based remote sensing sys-*
4 *tem that exceeds a condition placed on an existing*
5 *permitted system that has the same or substantially*
6 *similar capabilities.*

7 “(e) *COMMERCIALLY AVAILABLE CAPABILITY.—*

8 “(1) *EXCEPTION.—The Secretary may not deny*
9 *an application for, or place a condition on, a permit*
10 *for the operation of a space-based remote sensing sys-*
11 *tem for which the same or substantially similar capa-*
12 *bilities, derived data, products, or services are already*
13 *commercially available or reasonably expected to be*
14 *made available in the next 3 years in the inter-*
15 *national or domestic marketplace. The exception in*
16 *the previous sentence applies regardless of whether the*
17 *marketplace products and services originate from the*
18 *operation of aircraft, unmanned aircraft, or other*
19 *platforms or technical means or are assimilated from*
20 *a variety of data sources.*

21 “(2) *CLEAR AND CONVINCING EVIDENCE.—Each*
22 *denial of an application for, and each condition*
23 *placed on, a permit for the operation of a space-based*
24 *remote sensing system, shall include an explanation*
25 *of, and clear and convincing evidence that, the excep-*

1 *tion under paragraph (1) does not apply with respect*
2 *to the proposed permitted operations of such system.*

3 *“(3) DATABASE.—The President shall—*

4 *“(A) maintain a database of commercially*
5 *available capabilities described in paragraph*
6 *(1);*

7 *“(B) update such database not less than*
8 *once every 3 months; and*

9 *“(C) submit to the Committee on Commerce,*
10 *Science, and Transportation of the Senate and*
11 *the Committee on Science, Space, and Tech-*
12 *nology of the House of Representatives a report*
13 *containing the contents of the database upon*
14 *each update required under subparagraph (B).*

15 *“(4) APPLICANT SUBMISSIONS.—An applicant*
16 *for, or holder of, a permit for the operation of a*
17 *space-based remote sensing system may submit to the*
18 *Secretary evidence of, or information regarding, a*
19 *commercially available capability described in para-*
20 *graph (1) for consideration for inclusion in the data-*
21 *base.*

22 *“(5) NONAPPLICATION OF CONDITION.—In any*
23 *case in which the Secretary determines that the excep-*
24 *tion under paragraph (1) applies with respect to a*
25 *permit for the operation of a space-based remote sens-*

1 *ing system for which the Secretary has placed a con-*
 2 *dition under subsection (c), such condition shall no*
 3 *longer apply with respect to such permitted oper-*
 4 *ations.*

5 “(f) *AUTHORITY TO REMOVE CONDITIONS.—Nothing*
 6 *in this section shall be construed to prohibit the Secretary*
 7 *from removing a condition placed on a permit pursuant*
 8 *to subsection (c).*

9 **“§ 80203. Continuing permitting requirements**

10 “(a) *NOTIFICATION REQUIREMENT.—A permit holder*
 11 *shall, in a timely manner, notify the Secretary if—*

12 “(1) *a permitted space-based remote sensing sys-*
 13 *tem has terminated operations; or*

14 “(2) *a catastrophic event has occurred to a*
 15 *space-based remote sensing system, such as the un-*
 16 *planned destruction of such system.*

17 “(b) *MATERIAL CHANGE.—The Secretary shall require*
 18 *permit holders to inform the Secretary of—*

19 “(1) *any material changes to the space-based re-*
 20 *mote sensing system or the planned operations of such*
 21 *system prior to launch; and*

22 “(2) *any material anomalies or departures from*
 23 *the planned operations during the course of oper-*
 24 *ations.*

1 “(c) *UPDATE TO PERMIT.*—Not later than 14 days
 2 after the date of receipt of information regarding a material
 3 change pursuant to subsection (b), the Secretary shall make
 4 a determination of whether such material change is sub-
 5 stantial enough to warrant additional review under section
 6 80202(b). Not later than 90 days after a determination that
 7 such review is warranted, the Secretary shall complete a
 8 similar such review process for such material change as is
 9 required for a permit applicant under such section.

10 **“§ 80204. Permit transfer**

11 “(a) *IN GENERAL.*—Subject to subsections (b) and (c),
 12 the Secretary shall provide for the transfer of a permit
 13 under this chapter from the permit holder to another person
 14 to continue the operations allowed under such permit.

15 “(b) *TRANSFER REQUEST REQUIREMENTS.*—To be eli-
 16 gible for a transfer under subsection (a), the permit holder
 17 shall submit to the Secretary a request that includes any
 18 identifying information regarding the transferee that would
 19 be required under an initial application under section
 20 80202.

21 “(c) *DETERMINATION.*—Not later than 14 days after
 22 the date on which the Secretary receives a transfer request
 23 pursuant to subsection (b), the Secretary shall make a deter-
 24 mination of whether such material change is substantial
 25 enough to warrant additional review under section

1 80202(b). Not later than 90 days after a determination that
 2 such review is warranted, the Secretary shall complete a
 3 similar such review process for such transferee as is re-
 4 quired for a permit applicant under such section.

5 “(d) *MATERIAL CHANGE*.—Any transfer of a permit
 6 under this chapter constitutes a material change under sec-
 7 tion 80203(b).

8 **“§ 80205. Agency activities**

9 “(a) *UTILIZATION OF FEDERAL GOVERNMENT VEHI-*
 10 *CLE*.—A person may apply for a permit to operate a space-
 11 based remote sensing system that utilizes, on a space-avail-
 12 able basis, a civilian Federal Government satellite or vehicle
 13 as a platform for such system. The Secretary, pursuant to
 14 this chapter, may permit such system if it meets all condi-
 15 tions of this chapter.

16 “(b) *ASSISTANCE*.—The Secretary may offer assistance
 17 to persons in finding appropriate opportunities for the uti-
 18 lization described in subsection (a).

19 “(c) *AGREEMENTS*.—To the extent provided in ad-
 20 vance by appropriation Acts, an agency may enter into an
 21 agreement for the utilization described in subsection (a) if
 22 such agreement is consistent with the agency’s mission and
 23 statutory authority, and if the space-based remote sensing
 24 system is issued a permit by the Secretary under this chap-
 25 ter before commencing operation.

1 **“§ 80206. Annual reports**

2 “(a) *IN GENERAL.*—*The Secretary shall submit a re-*
3 *port to the Committee on Commerce, Science, and Trans-*
4 *portation of the Senate and the Committee on Science,*
5 *Space, and Technology of the House of Representatives not*
6 *later than 180 days after the date of enactment of the Amer-*
7 *ican Space Commerce Free Enterprise Act of 2017, and an-*
8 *nually thereafter, on—*

9 “(1) *the Secretary’s implementation of this chap-*
10 *ter, including—*

11 “(A) *a list of all applications received in*
12 *the previous calendar year;*

13 “(B) *a list of all applications that resulted*
14 *in a permit;*

15 “(C) *a list of all applications denied and*
16 *an explanation of why each application was de-*
17 *denied, including any information relevant to the*
18 *adjudication process of a request for a permit;*

19 “(D) *a list of all applications that required*
20 *additional information; and*

21 “(E) *a list of all applications whose dis-*
22 *position exceeded the 90-day deadline, the total*
23 *days overdue for each application that exceeded*
24 *such deadline, and an explanation for the delay;*
25 *and*

1 “(2) a description of all actions taken by the
2 Secretary under the administrative authority granted
3 by section 80301.

4 “(b) *CLASSIFIED ANNEXES*.—Each report under sub-
5 section (a) may include classified annexes as necessary to
6 protect the disclosure of sensitive or classified information.

7 **“§ 80207. Advisory Committee on Commercial Remote**
8 ***Sensing***

9 “(a) *ESTABLISHMENT*.—The Secretary shall establish
10 an Advisory Committee on Commercial Remote Sensing (in
11 this section referred to as the ‘Committee’) consisting of 15
12 members who shall be appointed by the Secretary.

13 “(b) *CHAIR*.—The Committee shall designate one mem-
14 ber as the chair of the Committee.

15 “(c) *MEMBERSHIP*.—

16 “(1) *LIMITATION*.—Members of the Committee
17 may not be Federal Government employees or offi-
18 cials.

19 “(2) *TRAVEL EXPENSES*.—Members of the Com-
20 mittee shall receive travel expenses, including per
21 diem in lieu of subsistence, in accordance with the
22 applicable provisions under subchapter I of chapter
23 57 of title 5.

24 “(d) *TERMS*.—Each member of the Committee shall
25 serve for a term of 4 years and may not serve as a member

1 *for the 2-year period following the date of completion of*
2 *each such term.*

3 “(e) *DUTIES.—The duties of the Committee shall be*
4 *to—*

5 “(1) *provide information, advice, and rec-*
6 *ommendations on matters relating to the United*
7 *States commercial space-based remote sensing indus-*
8 *try;*

9 “(2) *analyze the effectiveness and efficiency of*
10 *the implementation of the space-based remote sensing*
11 *system permitting process under this chapter;*

12 “(3) *provide recommendations to the Secretary*
13 *and Congress on how the United States can facilitate*
14 *and promote a robust and innovate private sector*
15 *that is investing in, developing, and operating space-*
16 *based remote sensing systems;*

17 “(4) *identify any challenges the United States*
18 *private sector is experiencing with the authorization*
19 *and supervision of the operation of space-based re-*
20 *mote sensing systems under this chapter; and*

21 “(5) *provide information, advice, and rec-*
22 *ommendations on matters related to the authority of*
23 *the Secretary under this chapter or to private sector*
24 *space activities authorized pursuant to this chapter*
25 *that the Committee determines necessary.*

1 “(f) *ANNUAL REPORT.*—*The Committee shall submit*
 2 *to Congress, the President, the Secretary, and the Director*
 3 *of the Office of Space Commerce, an annual report that in-*
 4 *cludes the information, analysis, findings, and rec-*
 5 *ommendations described in subsection (e).*

6 “(g) *SUNSET.*—*The Committee shall terminate on the*
 7 *date that is 10 years after the date on which the Committee*
 8 *is established.*

9 **“§ 80208. Continuation of existing license or pending**
 10 ***application***

11 “(a) *CONTINUATION OF EXISTING LICENSE.*—*Any*
 12 *United States entity for whom a license for the operation*
 13 *of a space-based remote sensing system issued under sub-*
 14 *chapter III of chapter 601 that is valid on the effective date*
 15 *of this section may—*

16 “(1) *elect to be immediately considered permitted*
 17 *for operation under this chapter, in which case all*
 18 *terms and conditions of a license issued under such*
 19 *subchapter with respect to the operation of such sys-*
 20 *tem shall apply for the duration of the license; or*

21 “(2) *apply for a permit for operation under this*
 22 *chapter and may continue to operate pursuant to*
 23 *such license until such time as such permit is issued.*

24 “(b) *RESCIND OR TRANSFER OF PENDING LICENSE.*—
 25 *An applicant with an application for a remote sensing li-*

1 *cense under subchapter III of chapter 601 that is pending*
 2 *on the effective date of this section may be, at the election*
 3 *of the applicant—*

4 “(1) *rescinded without prejudice; or*

5 “(2) *transferred to the Office of Space Commerce*
 6 *and deemed to be a pending application for a permit*
 7 *under this chapter.*

8 “(c) *EFFECTIVE DATE.—This section shall take effect*
 9 *on the date that is 1 year after the date of enactment of*
 10 *the American Space Commerce Free Enterprise Act of 2017.*

11 **“§ 80209. Commercial Remote Sensing Regulatory Af-**
 12 ***fairs Office***

13 “*On the date that is 1 year after the date of enactment*
 14 *of the American Space Commerce Free Enterprise Act of*
 15 *2017, the Commercial Remote Sensing Regulatory Affairs*
 16 *Office of the National Oceanic and Atmospheric Adminis-*
 17 *tration is abolished.”.*

18 **SEC. 5. ADMINISTRATIVE PROVISIONS RELATED TO CER-**
 19 ***TIFICATION AND PERMITTING.***

20 *Title 51, United States Code, is further amended by*
 21 *adding at the end the following:*

22 **“CHAPTER 803—ADMINISTRATIVE PROVI-**
 23 ***SIONS RELATED TO CERTIFICATION***
 24 ***AND PERMITTING***

“Sec.

“80301. *Administrative authority.*

“80302. *Consultation.*

“80303. *Appeal of denial or condition of certification or permit.*

“80304. *Exclusive authority for determination of international obligations.*

“80305. *Limitation on certain agency supervision.*

“80306. *Commercial exploration and use of outer space.*

“80307. *Rule of construction on concurrent application submission.*

“80308. *Federal jurisdiction.*

“80309. *Global commons.*

“80310. *Regulatory authority.*

“80311. *Consultation with relevant agencies.*

“80312. *Authorization of appropriations.*

1 **“§ 80301. Administrative authority**

2 “(a) *FUNCTIONS.—In order to carry out the respon-*
3 *sibilities specified in this subtitle, the Secretary may—*

4 “(1) *seek an order of injunction or similar judi-*
5 *cial determination from a district court of the United*
6 *States with personal jurisdiction over the certification*
7 *or permit holder to terminate certifications or permits*
8 *under this subtitle and to terminate certified or per-*
9 *mitted operations on an immediate basis, if the Sec-*
10 *retary determines that the certification or permit*
11 *holder has substantially failed to comply with any*
12 *provisions of this subtitle, or with any terms of a cer-*
13 *tification or permit;*

14 “(2) *provide for civil penalties not to exceed*
15 *\$10,000 (each day of operation constituting a sepa-*
16 *rate violation) and not to exceed \$500,000 in total,*
17 *for—*

18 “(A) *noncompliance with the certification*
19 *or permitting requirements or regulations issued*
20 *under this subtitle; or*

1 “(B) the operation of a space object or
2 space-based remote sensing system without the
3 applicable certification or permit issued under
4 this subtitle;

5 “(3) compromise, modify, or remit any such civil
6 penalty;

7 “(4) seize any object, record, or report, or copies
8 of materials, documents, or records, pursuant to a
9 warrant from a magistrate based on a showing of
10 probable cause to believe that such object, record, or
11 report was used, is being used, or is likely to be used
12 in violation of this subtitle or the requirements of a
13 certification or permit or regulation issued there-
14 under; and

15 “(5) make investigations and inquiries con-
16 cerning any matter relating to the enforcement of this
17 subtitle.

18 “(b) *REVIEW OF AGENCY ACTION.*—Any holder of, or
19 applicant for, a certification or a permit who makes a time-
20 ly request for review of an adverse action pursuant to para-
21 graph (2) or (4) of subsection (a) shall be entitled to adju-
22 dication by the Secretary on the record after an opportunity
23 for any agency hearing with respect to such adverse action.
24 Any final action by the Secretary under this subsection

1 *shall be subject to judicial review under chapter 7 of title*
 2 *5, as provided in section 80303 of this chapter.*

3 “(c) *NO COST FOR CERTIFICATION OR PERMIT.—The*
 4 *Secretary may not impose a fee or other cost on a holder*
 5 *of, or applicant for—*

6 “(1) *a certification under chapter 801; or*

7 “(2) *a permit under chapter 802.*

8 “(d) *NO AUTHORITY TO SET CONDITIONS.—The Sec-*
 9 *retary may not impose a substantive condition on, or any*
 10 *other requirement for, the issuance of a certification or per-*
 11 *mit except as specifically provided in this subtitle.*

12 “(e) *FOIA EXEMPTION.—Paragraph (3) of section*
 13 *552(b) of title 5 shall apply with respect to any filing relat-*
 14 *ing to a certification or a permit under this subtitle.*

15 “(f) *LIMITATION ON EXCEPTIONS TO ADMINISTRATIVE*
 16 *PROCEDURES.—The exceptions under section 553(a)(1),*
 17 *section 553(b)(B), or section 554(a)(4) of title 5 shall not*
 18 *apply with respect to a certification or permit under this*
 19 *subtitle.*

20 **“§ 80302. Consultation**

21 “(a) *SENSE OF CONGRESS.—It is the sense of the Con-*
 22 *gress that—*

23 “(1) *the United States Government has assets in*
 24 *Earth orbit critical to national security, scientific re-*
 25 *search, economic growth, and exploration;*

1 “(2) such assets represent a considerable invest-
2 ment of United States taxpayers; and

3 “(3) it is in the national interest of the United
4 States to facilitate opportunities to provide for the
5 protection of such assets.

6 “(b) *REVIEW*.—Not later than 30 days after the Sec-
7 retary issues a certification under chapter 801, the Sec-
8 retary shall review the operations of any space objects cov-
9 ered by the certification to determine whether the inter-
10 action between such operations and the operations of a Fed-
11 eral Government space object present a substantial risk to
12 the physical safety of a space object operated by either
13 party.

14 “(c) *REQUIREMENT TO PARTICIPATE IN CONSULTA-*
15 *TION*.—If the Secretary makes a determination that a sub-
16 stantial risk identified under subsection (b) exists, the Sec-
17 retary may require that the certification holder participate
18 in a consultation under this section.

19 “(d) *PARTIES TO A CONSULTATION*.—

20 “(1) *IN GENERAL*.—A consultation under this
21 section may be held, with respect to a substantial
22 safety risk identified under subsection (b), between—

23 “(A) a certification holder responsible for
24 the certified space object operations; and

1 “(B) *any entity of the Federal Government*
2 *operating a potentially affected space object.*

3 “(2) *PARTICIPATION.—The Secretary may not*
4 *impose any requirement on a party pursuant to par-*
5 *ticipation in the consultation.*

6 “(e) *MITIGATION OF SAFETY RISK.—In carrying out*
7 *a consultation, the Secretary shall—*

8 “(1) *facilitate a discussion among the parties to*
9 *the consultation;*

10 “(2) *encourage a mutual understanding of the*
11 *safety risk; and*

12 “(3) *encourage, to the maximum extent prac-*
13 *ticable, voluntary agreements between the parties to*
14 *the consultation to improve the physical safety of af-*
15 *ected space object operations or mitigate the physical*
16 *safety risk.*

17 “(f) *DURATION OF CONSULTATION; NOTICE.—Not later*
18 *than 90 days after the Secretary requires a consultation*
19 *under this section, the Secretary shall—*

20 “(1) *complete all activities related to the con-*
21 *sultation; and*

22 “(2) *submit to Congress a written notification*
23 *with respect to such consultation, that includes—*

24 “(A) *the names of each party to the con-*
25 *sultation;*

1 “(B) a description of the physical safety
2 risk at issue;

3 “(C) whether any voluntary agreement was
4 made by the parties; and

5 “(D) the content of any such agreement.

6 “(g) *RULE OF CONSTRUCTION.*—Nothing in this sec-
7 tion shall be construed to grant any additional authority
8 to the Secretary to regulate, or place conditions on, any
9 activity for which a certification or permit is required
10 under this subtitle.

11 **“§ 80303. Appeal of denial or condition of certification**
12 **or permit**

13 “An applicant who is denied a certification under sec-
14 tion 80103(b)(2)(B), an applicant who is denied a permit
15 under section 80202(b)(2)(B), or an applicant whose certifi-
16 cation or permit is conditioned pursuant to section
17 80103(c) or section 80202(c), respectively, may appeal the
18 denial or placement of a condition to the Secretary. The
19 Secretary shall affirm or reverse the denial or placement
20 of a condition after providing the applicant notice and an
21 opportunity to be heard. The Secretary shall dispose of the
22 appeal not later than 60 days after the appeal is submitted.
23 If the Secretary denies the appeal, the applicant may seek
24 review in the United States Court of Appeals for the Dis-
25 trict of Columbia Circuit or in the court of appeals of the

1 *United States for the circuit in which the person resides*
2 *or has its principal place of business.*

3 **“§ 80304. *Exclusive authority for determination of***
4 ***international obligations***

5 *“Except for the Secretary as authorized by this sub-*
6 *title, no agency may impose a requirement or make a find-*
7 *ing with regard to an international obligation of the United*
8 *States pertaining to a nongovernmental entity of the United*
9 *States under the Outer Space Treaty relating to—*

10 *“(1) the operation of a space object certified*
11 *under chapter 801; and*

12 *“(2) the carrying out of a space debris mitiga-*
13 *tion plan of a space object for which a certification*
14 *was issued under chapter 801.*

15 **“§ 80305. *Limitation on certain agency supervision***

16 *“(a) IN GENERAL.—Not later than 1 year after the*
17 *date of enactment of the American Space Commerce Free*
18 *Enterprise Act of 2017, no other agency shall have the au-*
19 *thority to authorize, place conditions on, or supervise the*
20 *operation of space objects required to be certified under*
21 *chapter 801 or space-based remote sensing systems required*
22 *to be permitted under chapter 802 except—*

23 *“(1) the Department of Transportation with re-*
24 *spect to launch or reentry vehicle operations licensed*
25 *under chapter 509; and*

1 “(2) *the Federal Communications Commission*
2 *with respect to space stations licensed under the Com-*
3 *munications Act of 1934 (47 U.S.C. 151 et seq.).*

4 “(b) *AGREEMENT LIMITATIONS.—Nothing in this sec-*
5 *tion shall be construed to prevent an agency from including*
6 *additional terms, conditions, limitations, or requirements,*
7 *consistent with applicable provisions of law, beyond those*
8 *required in this subtitle in a contract or other agreement*
9 *with—*

10 “(1) *the holder of a certification under chapter*
11 *801 for the operation of the applicable space object; or*

12 “(2) *the holder of a permit under chapter 802 for*
13 *the operation of the applicable space-based remote*
14 *sensing system.*

15 **“§ 80306. Commercial exploration and use of outer**
16 **space**

17 *“To the maximum extent practicable, the President,*
18 *acting through appropriate Federal agencies, shall interpret*
19 *and fulfill international obligations, including under the*
20 *covered treaties on outer space, to minimize regulations and*
21 *limitations on the freedom of United States nongovern-*
22 *mental entities to explore and use space.*

1 **“§ 80307. Rule of construction on concurrent applica-**
 2 **tion submission**

3 *“Nothing in this subtitle shall be construed to prevent*
 4 *an applicant from submitting to the Secretary concurrent*
 5 *applications for a certification under chapter 801 and a*
 6 *permit under chapter 802. The Secretary shall provide for*
 7 *applications under chapter 801 and chapter 802 to be filed*
 8 *concurrently or at different times, at the discretion of the*
 9 *applicant. To the maximum extent practicable, the Sec-*
 10 *retary shall avoid duplication of information required in*
 11 *concurrently filed applications.*

12 **“§ 80308. Federal jurisdiction**

13 *“The district courts shall have original jurisdiction,*
 14 *exclusive of the courts of the States, of any civil action re-*
 15 *sulting from the operation of a space object for which a cer-*
 16 *tification or permit is required under this subtitle.*

17 **“§ 80309. Global commons**

18 *“Notwithstanding any other provision of law, outer*
 19 *space shall not be considered a global commons.*

20 **“§ 80310. Regulatory authority**

21 *“(a) IN GENERAL.—The Secretary shall issue such reg-*
 22 *ulations as are necessary to carry out this subtitle.*

23 *“(b) REDUCING REGULATORY BURDEN.—In issuing*
 24 *regulations to carry out this subtitle, the Secretary shall*
 25 *avoid, to the maximum extent practicable, the placement*
 26 *of inconsistent, duplicative, or otherwise burdensome re-*

4 “(a) *IN GENERAL.*—Subject to subsection (b), the Sec-
5 retary shall, as the Secretary considers necessary, consult
6 with the heads of other relevant agencies in carrying out
7 this subtitle.

15 “§ 80312. *Authorization of appropriations*

16 *“There are authorized to be appropriated \$5,000,000*
17 *to the Office of Space Commerce for fiscal year 2018 to*
18 *carry out this subtitle.”.*

19 **SEC. 6. TECHNICAL AND CONFORMING AMENDMENTS.**

(a) *TABLE OF CHAPTERS.*—The table of chapters of title 51, United States Code, is amended by adding at the end the following:

***“Subtitle VIII—Authorization and Supervision of
Nongovernmental Space Activities***

“801. Certification to Operate Space Objects80101
“802. Permitting of Space-Based Remote Sensing
Systems80201
“803. Administrative Provisions Related to Certification
and Permitting80301”

1 (b) *REPEALS.—*

2 (1) *IN GENERAL.—Title 51, United States Code,*
3 *is amended as follows:*

4 (A) *Subchapter III of chapter 601 is re-*
5 *pealed.*

6 (B) *Section 60147 is repealed.*

7 (C) *The table of sections for chapter 601 is*
8 *amended by striking the item relating to section*
9 *60147.*

10 (D) *The table of sections for chapter 601 is*
11 *amended by striking the items relating to sub-*
12 *chapter III.*

13 (2) *EFFECTIVE DATE.—The amendments made*
14 *by paragraph (1) shall take effect on the date that is*
15 *1 year after the date of enactment of this Act.*

16 (c) *TECHNICAL CORRECTIONS.—*

17 (1) *IN GENERAL.—Title 51, United States Code,*
18 *is amended—*

19 (A) *in section 20302(c)(2), by striking*
20 *“means has the meaning” and inserting “has the*
21 *meaning”;*

22 (B) *in section 50702(c)(5), by striking*
23 *“Space-Based Position” and inserting “Space-*
24 *Based Positioning”; and*

1 (C) in section 71102(1), by striking “track-
2 ing device” and inserting “tracking device to”.

3 (2) *CHAPTER 513.—The table of chapters of title*
4 *51, United States Code, is amended by striking the*
5 *item related to chapter 513 and inserting the fol-*
6 *lowing:*

**“513. Space Resource Commercial Exploration and Utili-
zation51301”.**

7 (3) *CHAPTER 701.—The table of chapters of title*
8 *51, United States Code, is amended by striking the*
9 *item related to chapter 701 and inserting the fol-*
10 *lowing:*

“701. Use of Space Launch System or Alternatives70101”.

11 **SEC. 7. OFFICE OF SPACE COMMERCE.**

12 Section 50702 of title 51, United States Code, is
13 amended—

14 (1) in subsection (a), by adding at the end before
15 the period “, which shall be located in the principal
16 physical location of the Office of the Secretary of
17 Commerce”;

18 (2) in subsection (b), by striking “a senior execu-
19 tive and shall be compensated at a level in the Senior
20 Executive Service under section 5382 of title 5 as de-
21 termined by the Secretary of Commerce” and insert-
22 ing “appointed by the President and confirmed by the
23 Senate. The Director shall be the Assistant Secretary

1 *of Commerce for Space Commerce and shall report di-*
 2 *rectly to the Secretary of Commerce”; and*

3 *(3) in subsection (c)—*

4 *(A) in paragraph (4), by striking “and” at*
 5 *the end;*

6 *(B) in paragraph (5), by striking the period*
 7 *at the end and inserting a semicolon; and*

8 *(C) by adding at the end the following:*

9 *“(6) to authorize and supervise the operations of*
 10 *United States nongovernmental entities in outer*
 11 *space, pursuant to chapter 801 of this title;*

12 *“(7) to authorize and supervise the operations of*
 13 *space-based remote sensing systems pursuant to chap-*
 14 *ter 802 of this title; and*

15 *“(8) to facilitate and promote the development of*
 16 *best practices among operators of space objects and*
 17 *space-based remote sensing systems under this subtitle*
 18 *to address substantial risks to the physical safety of*
 19 *Federal Government space objects, including the risk*
 20 *of on-orbit collisions.”.*

21 **SEC. 8. RESTRICTION ON PREVENTING LAUNCHES AND RE-**
 22 **ENTRIES OF CERTIFIED SPACE OBJECTS.**

23 *Section 50904(c) of title 51, United States Code, is*
 24 *amended by adding at the end the following: “No launch*
 25 *or reentry may be prevented under this authority on the*

1 *basis of national security, foreign policy, or international*
 2 *obligations of the United States, including under the cov-*
 3 *ered treaties on outer space (as defined in section 80101)*
 4 *if the payload has received a certification to operate as a*
 5 *space object under chapter 801.”.*

6 **SEC. 9. REPORT ON REGISTRATION OF SPACE OBJECTS.**

7 (a) *IN GENERAL.*—Not later than 1 year after the date
 8 of enactment of this Act, the Secretary of Commerce, acting
 9 through the Office of Space Commerce and in consultation
 10 with the Private Space Activity Advisory Committee estab-
 11 lished under section 80109 of title 51, United States Code,
 12 shall submit to the Committee on Science, Space, and Tech-
 13 nology of the House of Representatives and the Committee
 14 on Commerce, Science, and Transportation of the Senate
 15 a report on the implementation of the space object registra-
 16 tion obligations of the United States and other countries
 17 under Article VIII of the Outer Space Treaty and the Con-
 18 vention on Registration of Space Objects.

19 (b) *CONTENTS OF REPORT.*—The report required
 20 under subsection (a) shall include—

21 (1) *an identification of the practices and proce-*
 22 *dures among countries that are members of the Outer*
 23 *Space Treaty and the Convention on Registration of*
 24 *Space Objects in implementing and complying with*
 25 *the registration obligations contained in the treaties;*

1 (2) *a description of any existing practices and*
2 *procedures of the Federal Government for the registra-*
3 *tion of nongovernmental space objects; and*

4 (3) *recommendations on how the registration of*
5 *space objects in the United States could be improved*
6 *to benefit the United States, including enabling*
7 *United States leadership in commercial space activi-*
8 *ties.*

9 **SEC. 10. COMPTROLLER GENERAL REPORT.**

10 *Not later than 180 days after the date of enactment*
11 *of this Act, the Comptroller General of the United States*
12 *shall submit to Congress a report on removing the Office*
13 *of Commercial Space Transportation from under the juris-*
14 *isdiction of the Federal Aviation Administration and reestab-*
15 *lishing the Office under the jurisdiction of the Secretary of*
16 *Transportation. Such report shall include—*

17 (1) *the identification of key practices for success-*
18 *ful organizational transitions;*

19 (2) *the advantages and disadvantages of the re-*
20 *moval and reestablishment with respect to the ability*
21 *of the Office to continue to coordinate and commu-*
22 *nicate with Federal Aviation Administration on air-*
23 *space issues; and*

24 (3) *the identification of any issues that are pre-*
25 *venting the Office from fully carrying out its statu-*

1 *tory mandate, and if such issues would persist re-*
2 *gardless of organizational location of the Office with-*
3 *in the Department of Transportation.*

Union Calendar No. 498

115TH CONGRESS
2^D Session

H. R. 2809

[Report No. 115-649]

A BILL

To amend title 51, United States Code, to provide for the authorization and supervision of non-governmental space activities, and for other purposes.

APRIL 24, 2018

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed